

FILED

FEB 19 2019

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND  
CLARKSBURG, WV 26301

EQT PRODUCTION COMPANY,

Plaintiff,

v.

AUSTIN CAPERTON, in his official capacity as  
Secretary of the West Virginia Department of  
Environmental Protection,

Defendant.

Civil Action No. 1:18-cv-72  
Judge Thomas S. Kleeh

**ORDER GRANTING MOTION TO STAY BRIEFING SCHEDULE AND  
RULING ON DEFENDANT'S MOTION TO DISMISS**

On February 15, 2019, Plaintiff EQT Production Company filed a Motion to Stay January 30, 2019 Briefing Schedule and Ruling on Defendant's Motion to Dismiss (the "Motion to Stay"), based on the pendency of a class action settlement, the final approval of which may result in EQT Production Company moving to voluntarily dismiss the Complaint for Declaratory Relief in this action. In the interests of judicial economy, and without any objection by Defendant Secretary Caperton, the Court **GRANTS** the Motion to Stay. The February 22, 2019 deadline for Secretary Caperton to file any motion under Rule 12(b) of the Federal Rules of Civil Procedure related to the Amended Complaint or any supplemental briefing in support of any pending motions is hereby stayed. Plaintiff EQT Production Company shall file a status report no later than July 19, 2019.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record.

DATED: February 19, 2019.



Hon. Thomas S. Kleeh  
United States District Judge